

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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In the Matter of )  
Implementation of Section 621(a)(1) of )  
the Cable Communications Policy Act of 1984 )  
as amended by the Cable Television Consumer )  
Protection and Competition Act of 1992 )

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MB Docket No. 05-311

**COMMENTS OF THE CITY OF SANTEE**

These Comments are filed by the City of Santee in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NLC and NATOA, the City of Santee believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of franchising in our community.

**Cable Franchising in Santee**

**Community Information**

The City of Santee is a local governmental jurisdiction located within the County of San Diego, with a population of 54,476. Santee has negotiated cable franchises since 1985 and our current franchised cable provider is Cox Communications, Inc.

**Our Current Franchise**

The City of Santee incorporated in December 1980 and entered into its first non-exclusive franchise agreement with Cox Communications on December 27, 1985 to construct, operate and maintain a cable television system within the City of Santee. The term of the franchise agreement was 15 years.

In early 1998, the City of Santee was notified by Cox Communications of their intent to seek renewal of the franchise agreement in accordance with the Federal Cable Act. Prior to renewal of the franchise agreement, the City hired consultants to assist in providing franchise advice, inspection services and a review of prior franchise fee payments. Negotiations between the City of Santee and Cox Communications were friendly and cooperative. Cox was particularly helpful in partnering with the City to enhance our e-government capabilities. Both parties were very happy with the outcome and the new franchise agreement went into effect on May 28, 2001 and will terminate on December 28, 2011.

Santee also has a cable ordinance, which regulates cable television systems in the City and which operates in conjunction with the franchise agreement.

Cox offers video, high speed internet and digital telephone service to Santee residents. Wireline telephone service in Santee is also provided by AT&T (formerly SBC Communications).

### **Competitive Cable Systems**

San Diego County is currently served by three major cable providers: Cox Communications, Inc., Time-Warner Cable, and Adelphia Communications Corporation, as well as a number of other smaller providers.

Santee's current franchise agreement with Cox Communications is non-exclusive, and therefore the City has the power to permit additional competition in this area should we find it necessary. The City also has the capacity to regulate providers of new video service technology using the same franchising process currently used to regulate existing cable providers. To date, Santee has received no applications from a competitive provider to provide service.

Santee's citizens deserve the benefits of competition and the City has a strong incentive to respond to their needs. At the same time, it should be recognized that competition for the sake of competition does not supersede all other community values. Franchise rules are intended to ensure the public's health, safety and welfare; provide for reasonable build-out requirements; and ensure that provisions of public, educational and government channels are met. These rules promote and protect public policy goals. They also promote competition by providing an equitable framework for entry into the market.

Wireline telephone companies have had the opportunity to offer video service for many years. Being late to the market is simply not a basis for seeking a competitive advantage in the name of competition. Bypassing these franchise requirements for wireline telephone companies creates an unnecessary competitive advantage for these companies.

### **Conclusion**

Franchise rules promote and protect important community values and are best administered at the local level. The local cable franchising process operates very well in the City of Santee. We are experienced at working with cable providers to ensure that the specific needs of our community are met, that local customers are protected, and that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights-of-way in a fair and nondiscriminatory manner. It also ensures that other users of the rights-of-way are not unduly inconvenienced, and that uses of the rights-of-way, including maintenance and upgrade of facilities, are undertaken in accordance with local requirements.

Local franchises thus provide a means for local governments to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants.

The City of Santee respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

City of Santee

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